



**UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

## **NOTICE OF TEMPORARY OBJECTION**

December 19, 2018

Ir. C. Hoppener  
Hoofd afdeling Vergunningen Afval  
Industrie en Bedrijven  
ILT/Risicovolle stoffen en producten/EVOA  
P.O. Box 24062  
3502 MB Utrecht  
The Netherlands

Re: EC Notice ID: NL608356  
EPA Notice ID: 020936/111/18

Dear Sir or Madam:

In accordance with Chapter II, Paragraph (D)(2) of the OECD Council Decision C(2001)107/FINAL as amended, the Environmental Protection Agency (EPA) wishes to temporarily object to the notification from CHEMOURS NETHERLANDS B.V., DORDRECHT (Chemours Netherlands), to THE CHEMOURS COMPANY, FAYETTEVILLE, NC (Chemours Company). The reason for this temporary objection is that EPA has not yet had an opportunity to review more current, detailed information concerning the wastes to be shipped and the management of the wastes. We will advise you of any further decision after a thorough review of the additional information listed below is completed.

In order to complete our review, we require additional information regarding the current import shipments of waste and management of fluorine-containing surfactant FRD-902 NL-recovered from Chemours Netherlands to the Chemours Company, identified as "GX902 Recovered" (20-30% FRD-902), "K902NCREC" (40-70% FRD-902), and "FRD-902 NL-Recovered" in the Notice of Intent NL608356, and collectively referred to as "GenX compounds." For the purposes of these questions, "GenX compounds" also refers to HFPO Dimer Acid (CAS No. 13252-13-6, also known as FRD-903 or P-08-508), HFPO Dimer Acid Ammonium Salt (CAS No. 62037-80-3, also known as FRD-902 or P-08-509), HFPO Dimer Acid Potassium Salt (CAS No. 67118-55-2) or HFPO Dimer Acid Fluoride (CAS No. 2062-98-8).

EPA would appreciate it if you could direct Chemours Netherlands to submit responses to questions numbered 1-6 below to you and then forward them to my office for review. For ease, the responses should be emailed to me at [kreisler.eva@epa.gov](mailto:kreisler.eva@epa.gov) and [RCRAnotifications@epa.gov](mailto:RCRAnotifications@epa.gov), simultaneously:

1. Please indicate whether GX902 Recovered and K902NCREC are combined prior to shipment to Fayetteville Works facility. If these waste streams are combined, please provide details on the process by which they are combined and the location where this occurs.
2. Please indicate whether any other wastes are combined with the GenX compound waste streams before being shipped to the Fayetteville Works facility. If yes, please identify the wastes prior to being combined, and submit results from any sampling conducted on the wastes prior to being combined.
3. Please explain the reason for the wide variation in surfactant concentrations within the two GenX compound waste streams shipped to the Fayetteville Works facility, as indicated in Appendix 5 to the Notice of Intent (20-30% FRD-902 for "GX902 Recovered" and 40-70% FRD-902 for "K902NCREC").
4. Please provide detailed chemical composition information, background safety data, and toxicity information, including any results from any sampling conducted on the GenX compound waste streams shipped to the Fayetteville Works facility, performed in accordance with the Toxicity Characteristic Leaching Procedure, Test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (<https://www.epa.gov/hw-sw846/sw-846-test-method-1311-toxicity-characteristic-leaching-procedure>), or a similar appropriate method.
5. Please identify all other locations (in the United States and otherwise) that receive GenX compound waste streams generated at the Dordrecht Works facility for reclamation, including the specific amounts received for reclamation.
6. Please provide copies of the movement documents ("international manifest") detailing the transport, receipt, and reclamation of each shipment of GenX compound waste streams under prior consent numbers NL608171 and NL603976.


In the interest of transparency, I want to inform you that EPA will also be contacting the Chemours Company to better understand its management of the GenX compound importation. The questions that EPA will be asking of Chemours Company are:

7. Please provide results for any sampling conducted on the GenX compound waste streams after receipt at the Fayetteville Works facility. Please specify how the amount of surfactant available for reclamation is determined for each imported shipment of GenX compound waste streams. Additionally, please indicate the amount of GenX compound waste stream ultimately disposed after reclamation.

8. Please indicate how waste generated from the reclamation of GenX compound waste streams is managed and ultimately disposed of. In your response, provide specific information on the "upper layer" after acidification, the "distillation residue," and any other wastes generated.
9. Please provide results for any sampling conducted on the GenX compound waste streams after reclamation. Please provide updated information regarding the disposition/transportation of the wastes generated from the GenX manufacturing process and the reclamation of GenX compound waste streams. The Notice of Intent states that the disposal destination is the Clean Harbors incinerator facility in El Dorado, Arkansas. Other documentation indicates that all wastewaters at the Fayetteville Works facility are being sent to the Texas Molecular facility in Deer Park, Texas for deep well injection. Please clarify.
10. Please indicate whether the GenX compound waste streams are mixed or combined at the Fayetteville Works facility prior to reclamation. If so, identify each individual waste stream mixed prior to reclamation of the GenX compound, and provide a narrative description of the process for combining the wastes, including the manner and duration of storage of both the separate and combined wastes. If combined during the reclamation, please describe where in the process the waste streams are combined.
11. Please describe the process by which GenX compound waste streams are reclaimed at the Fayetteville Works facility. Please indicate where in the Fayetteville Works facility process the GenX compound waste streams are reclaimed, whether the reclamation process is separate from the manufacturing process, and whether the reclamation process is done in batches or is a continuous process.
12. Please provide a description of any changes made to the GenX manufacturing process to prepare the GenX compounds for reclamation and handle the removal of unwanted salts.
13. Please submit documentation which compares how wastes generated from the reclamation of GenX compound waste streams are similar or different from the waste generated from the manufacturing of GenX using virgin raw materials.
14. Please identify the location where wastes generated from the reclamation of GenX compound waste streams is containerized for disposal (the notice references 55% of the original spent material).
15. Please identify all underground piping at the Fayetteville Works facility used, currently or previously, to convey the GenX compound waste streams prior to containerization.
16. Please describe how the GenX compound waste streams are shipped from the U.S. port of entry to the Fayetteville Works facility. Specify whether this waste is shipped under a bill of lading or hazardous waste manifest.

Thank you for your assistance in this matter. If you have any questions regarding this correspondence, please do not hesitate to contact me at [kreisler.eva@epa.gov](mailto:kreisler.eva@epa.gov) and [RCRANotifications@epa.gov](mailto:RCRANotifications@epa.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Eva H. Kreisler". The signature is written in a cursive, flowing style.

Eva Kreisler, Senior Attorney  
International Branch  
Office of Resource Conservation and  
Recovery